



The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

December 21, 2004

Harry Patel  
Shriji Hospitality Inc.  
1513 Route 3  
Campton, NH 03233

**NOTICE OF NON-COMPLIANCE and  
PERMIT REVOCATION – NCPR # 04-083**

RE: CAMPTON, PLYMOUTH HOTEL, EXISTING UNDERGROUND STORAGE TANK  
FACILITY (UST #A-0115429) (DES #198904033)

Dear Mr. Patel:

The New Hampshire Department of Environmental Services (“DES”) is hereby notifying you that the above-referenced facility, located on 1513 Route 3, Campton, NH is not in compliance with New Hampshire Code of Administrative Rules Env-Wm 1401, regulating Underground Storage Facilities. On July 14, 2004 a DES inspector conducted a compliance audit at the facility. A written document, describing the deficiencies was provided to the facility representative. This document required the facility be returned to compliance within 45 days, and DES be notified of the corrective measures taken. Compliance has not been achieved. **Failure to achieve compliance with the following deficiencies within 90 days from the date of this Notice of Non-Compliance and Permit Revocation (“Notice”) will result in revocation of your Permit-to-Operate on March 21, 2005. This letter contains important compliance and procedural information. Please read it carefully. Also, note that due to the non-compliance status of your facility a Proposed Administrative Fine will be issued under separate cover.**

1. Env-Wm 1401.11 Inventory Monitoring

Env-Wm 1401.11 requires inventory monitoring be conducted and inventory records be maintained on motor fuel, hazardous substance and bulk heating oil systems without secondary containment and leak monitoring for both tank and piping. DES has determined that inventory records for the 2,000-gallon #2 fuel oil (Tank 1) were not available during the inspection. Inventory monitoring or piping tightness test results for Tank 1 shall be provided to DES.

2. Env-Wm 1401.18 Permanent Closure

Env-Wm 1401.18(a) requires all registered steel underground storage systems without corrosion protection to be permanently closed on or before 25 years after the date of installation. DES has determined that Tank 2 is a 32-year old single-wall UST system without corrosion protection which has not been permanently closed. Tank 2 must be permanently closed and a closure report in accordance with Env-Wm 1401.18 must be submitted to DES.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3644 • Fax: (603) 271-2181 • TDD Access: Relay NH 1-800-735-2964

DES Web site: [www.des.nh.gov](http://www.des.nh.gov)

3. Env-Wm 1401.25 Spill Containment and Overfill Protection

Env-Wm 1401.25 requires overfill protection devices be installed and maintained in good working order on all UST systems. DES could not determine if the overfill protection device for Tank 1 was set at the required 90% alert or 95% shut off level. Verification in writing that the overfill protection device for Tank 1 has been installed at the required 90% alert or 95% shut off level shall be provided to DES.

4. Env-Wm 1401.31 Operation of Leak Monitoring Equipment

Env-Wm 1401.31 requires leak monitoring equipment and devices to be maintained in good working order at all times to continuously perform their original design function and to be tested annually for proper operation. DES has determined that the leak monitor Tank 1 was not continuously operating and the tank system was not temporarily closed. Provide leak monitor replacement or maintenance records or notify DES that the tank system is temporarily closed. DES has determined that the annual test documentation was not available for the leak monitoring equipment and devices. The annual test documentation for the leak monitoring equipment and devices for Tank 1 shall be provided to DES.

5. Env-Wm 1401.32 Corrosion Protection for Steel Tanks

Env-Wm 1401.32 requires all new underground storage tanks to be protected from corrosion. All cathodic protection systems must be equipped with an accessible test connection or monitor and must be tested within six (6) months of installation and every three (3) years thereafter. DES could not determine whether Tank 1 is corrosion protected and no test results of the cathodic protection system were available. Verification in writing that Tank 1 is protected from corrosion shall be submitted to DES. Corrosion protection test results for Tank 1 shall also be provided to DES.

6. Env-Wm 1401.33 Corrosion Protection for Piping

Env-Wm 1401.33 requires all new metal piping that routinely contains regulated substances and is in contact with the soil or other backfill material shall be protected from corrosion no later than December 22, 1998. DES could not determine the piping material for Tank 1. Verification in writing that the piping for Tank 1 is protected from corrosion shall be submitted to DES. If Tank 1 is equipped with unprotected metal piping, the piping must be removed and a closure report in accordance with Env-Wm 1401.18 must be submitted to DES. Plans and specifications for new piping that meet the new piping requirements in Env-Wm 1401.22 and Env-Wm 1401.24 must be submitted to DES at least 90 days prior to commencing installation.

7. Env-Wm 1401.07 Permit-to-Operate

Env-Wm 1401.07 requires that the permit-to-operate be permanently affixed on the facility premises and visible to a division inspector. The field inspection revealed that the permit was

not posted. The permit-to-operate shall be posted on the facility premises and verification in writing that the permit has been posted shall be provided to DES.

8. Env-Wm 1401.21 Tank Standards for New Underground Storage Systems

Env-Wm 1401.21 requires a UST system completed certificate be permanently affixed and visible to the division inspector at the facility premises for all new UST systems. The field inspection revealed that the completed certificate for Tank 1 was not posted. A certificate for Tank 1 shall be posted at the facility and verification in writing that the certificate has been posted shall be provided to DES.

In addition, Env-Wm 1401.10(a) requires owners of underground storage facilities for oil to maintain financial responsibility for costs associated with cleanup of releases from systems, the implementation of corrective measures, and compensation for third party damages in the amount equal to or greater than \$1,000,000 per occurrence. Env-Wm 1401.10(c) provides that the financial responsibility requirement may be satisfied if the owner is eligible for reimbursement of costs associated with cleanup of releases from the Oil Discharge and Disposal Cleanup Fund ("the Fund"). Eligibility for the Fund is contingent upon achieving and maintaining compliance with statutory (RSA 146-C) and regulatory (Env-Wm 1401) requirement. This facility has not achieved compliance, consequently, the Fund is not available to you as a financial responsibility mechanism.

In accordance with RSA 146-C:4 and Env-Wm 1401.07(a), no person shall own or operate an underground storage facility without a permit issued by DES. Within 30 days from the date of the permit revocation the facility shall be closed in accordance with Env-Wm 1401.18 for permanent closure.

Based on the compliance deficiencies described above, DES believes this facility poses a potential substantial threat to the surface and groundwater of the state. Therefore, in accordance with RSA 146-C:4 and Env-Wm 1401.09, if compliance as requested above is not achieved within ninety (90) days of the date of this Notice your Permit-to-Operate (UST Permit #0115429) shall be revoked effective **March 21, 2005**. Within thirty (30) days of the date of permit revocation all regulated substances must be removed from the UST systems at this facility. If the facility achieves compliance during the ninety (90) day period, it is necessary that documentation be submitted to DES verifying that compliance has been attained.

You have the right to a hearing to contest these allegations before the proposed license action is taken. The hearing would be a formal adjudicative proceeding pursuant to RSA 541-A:31, at which you and any witnesses you may call would have the opportunity to present testimony and evidence as to why the proposed action should not be taken. All testimony at the hearing would be under oath and would be subject to cross-examination. If you wish to have a hearing, one will be scheduled promptly.

RSA 541-A:31 III(e) provides that you have the right to have an attorney present to represent yourself at your own expense. If the Permit is an occupational license, under RSA 541-A:31, III(f) you have the right to request DES to provide a certified shorthand court reporter at your own expense. **Such request must be submitted in writing at least 10 days prior to the proceeding.**



NOTICE OF NON-COMPLIANCE and PERMIT REVOCATION – NCPR # 04-083

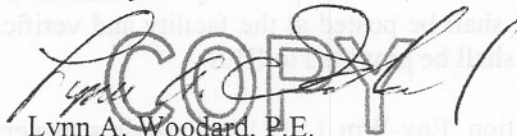
December 21, 2004

Page 4 of 5

You may waive your right to a hearing. If you waive the hearing, DES is prepared to proceed with the actions as stated above. You should notify DES of your decision by filling out and returning the enclosed form.

If there are any questions concerning the above, I may be contacted at the Waste Management Division at (603) 271-1165.

Sincerely,



Lynn A. Woodard, P.E.

Supervisor

Oil Compliance and Initial Response Section

CERTIFIED MAIL # 7000 0600 0023 9934 3907

cc: Michael P. Nolin, Commissioner

Gretchen R. Hamel, DES Legal Unit ✓

Fred McGarry, P.E., Chief Engineer, WMD

George Lombardo, P.E., WMD

Tom Beaulieu, WMD

Health Officer, Town of Campton

**\*\*\* RETURN THIS PAGE ONLY \*\*\***

**APPEARANCE**

\_\_\_\_ I desire a hearing in accordance with Env-Wm 1401 regarding the Permit.

Name: \_\_\_\_\_  
(Please type or print legibly)

Title: \_\_\_\_\_  
(Please type or print legibly)

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

**WAIVER OF HEARING**

\_\_\_\_ I certify that I understand my right to a hearing regarding the revocation of the Permit and that I hereby waive those rights.

Name: \_\_\_\_\_  
(Please type or print legibly)

Title: \_\_\_\_\_  
(Please type or print legibly)

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Please return to:

Department of Environmental Services Legal Unit  
Attn: Michael Sclafani, Legal Assistant  
PO Box 95  
Concord, NH 03302-0095